

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.3097 OF 2006

Mayur Mohanlal Dayama .. Applicant

Versus

State of Maharashtra .. Respondent

Mr.M.S.Karnik for applicant

Mr.S.S.Pednekar, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 29th August 2006

P.C.

. Applicant is apprehending arrest in
C.R.No.27 of 2006 registered at Lasalgaon police
station alleging offence under Essential

Commodities Act and the Control Order issued thereunder.

2. The applicant has attended the police station in pursuance of the order passed on 22nd August 2006.

3. Mr.Karnik submits that the applicant's licence as a dealer in fertilisers has already been suspended. The shop premises are sealed and the entire stock has been seized. Further, all documents, are also in custody of the investigating machinery. The applicant is willing to cooperate with the investigation and attend the police station as and when summoned.

4. Mr.Pednekar, A.P.P. does not dispute that the applicant has attended police station as also has cooperated with the investigation. He does not dispute that the premises have been sealed and the stock is seized.

5. Panchanama is also drawn. Thus, prima facie, insofar as the subject offences are concerned, they pertain to unauthorised and illegal sale of fertilisers to the agriculturists, although, the licence was suspended. For such an offence, it is not necessary to detain the applicant. More so, when he is cooperating in investigation. He has firm roots in the society and is not likely to interfere with the smooth progress thereof or the trial to ensue upon conclusion of the same.

6. In such circumstances, applicant deserves to be enlarged on bail in the event of his arrest in the subject C.R. Hence, following order:-

- i) In the event of the arrest of the applicant in connection with C.R.No.27 of 2006 registered with Lalsalgaon Police station the applicant shall be enlarged

on bail in the sum of Rs.10,000/- with one or two sureties in the like amount.

ii) The bail is granted subject to condition that the applicant will attend the Lasalgaon police station as and when summoned.

iii) Bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the police officer/ investigating agency. The applicant shall not tamper with the prosecution evidence.

iv) Any observation made in this

order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial

v) This order will enure to the benefit of the applicant only till charge sheet is filed. Thereafter, he will be free to apply to the appropriate court for appropriate relief.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)